

2007 EXECUTIVE SUMMARY OF

THE VIRGINIA COMMISSION ON YOUTH



**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**

**COMMONWEALTH OF VIRGINIA
RICHMOND
2007**



COMMONWEALTH of VIRGINIA

Commission on Youth

Delegate William H. Fralin, *Chairman*
Senator Harry B. Blevins, *Vice Chairman*

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January 8, 2008

TO: The Honorable Timothy M. Kaine, Governor of Virginia
and Members of the General Assembly

Pursuant to the provisions of the Code of Virginia (§§ 30-174 and 30-175) establishing the Virginia Commission on Youth and setting forth its purpose, I have the honor of submitting herewith the Executive Summary for the calendar year ending December 31, 2007.

This 2007 Executive Summary includes the interim activity and work conducted by the Virginia Commission on Youth during the 2007 study year, as required by § 30-175.

Final reports of the studies conducted will be published or made available on the General Assembly website. These reports will also be available on the Commission's website, <http://coy.state.va.us>.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Fralin, Jr.", written in a cursive style.

William H. Fralin, Jr.
Chairman

Delegate Mamye E. BaCote
Delegate Robert H. Brink
Miss Vanessa Cardenas

Delegate Mark L. Cole
Mr. Glen Francis
Senator R. Edward Houck

Senator Yvonne B. Miller
Delegate Robert Tata
Mr. Marvin H. Wagner



2007

VIRGINIA COMMISSION ON YOUTH

House of Delegates*

The Honorable William H. Fralin, Jr., Chair
The Honorable Mamye E. BaCote
The Honorable Robert H. Brink
The Honorable Mark L. Cole
The Honorable Robert Tata

Senate of Virginia

The Honorable Harry B. Blevins, Vice Chair
The Honorable R. Edward Houck
The Honorable Yvonne B. Miller

Citizen Members

Miss Vanessa Cardenas
Mr. Glenn Francis
Marvin H. Wagner

**One House of Delegates seat is vacant as of January 10, 2008.*



2007

VIRGINIA COMMISSION ON YOUTH

Executive Director

Amy M. Atkinson

Senior Legislative Policy Analyst

Leah Hamaker

Legislative Policy Analyst

Cordell Hairston

Executive Assistant

Joyce Garner

Access to the Internet

The Commission on Youth's homepage is located at
<http://coy.state.va.us>

Acknowledgments

The Virginia Commission on Youth extends its sincere appreciation to the Office of the Clerk of the Senate, the Office of the Clerk of the House, the Division of Legislative Services, and the Division of Legislative Automated Systems for their assistance and support throughout 2007.

Legislative Initiative

Evidence-based Treatments Conference

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

At the Commission on Youth meeting in May 2006, Commission staff, in conjunction with the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS), was directed to commence planning for a statewide conference on children's mental health/evidence-based practices. The conference, scheduled for 2007, would educate behavioral health professionals on evidence-based practices for children and adolescents with mental health disorders. It would address the need for training for local, state, and private providers, as well as consumers, on evidence-based treatments for children with mental health disorders. Training would include utilization and implementation of evidence-based treatments in diverse settings, with homes, schools, communities, and both public and private sector providers being targeted audiences.

To plan for this conference, the Commission, with assistance from the DMHMRSAS, organized a Conference Planning Committee comprised of representatives from state and local child-serving agencies, private providers, organizations and other child-serving agencies. The Planning Committee, which met throughout the two-year period, established four subcommittees: Agenda/Speakers; Marketing/Target Audience; Sponsors/Exhibits; and Family Participation. The Planning Committee also recommended that the Commission formally collaborate with DMHMRSAS on Systems of Care Training. The Conference title was amended to reflect that dual emphasis.

On September 16-18, 2007, the Commission on Youth and the DMHMRSAS co-sponsored a Conference addressing ***Systems of Care & Evidence-based Practices: Tools that Work for Youth and Families***. One specific goal was to encourage, through education, the implementation of appropriate evidence-based practices within a community System of Care. Experts in the field of children's mental health, evidence-based practices, family involvement, and utilization of community-based resources gave keynote addresses and led workshops to promote the concept of evidence-based practices. Promotional bookmarks were disseminated and copies of the Commission's *Collection of Evidence-Based Treatment Modalities for Children and Adolescents with Mental Health Treatment Needs, 2nd Edition* were made available to participants.

Approximately 550 people from throughout Virginia attended, representing all sectors involved in the children's behavioral health service system. Among the participants were First Lady Anne Holton, legislators and members of the Virginia

Commission on Youth, state and local agency heads and officials. Also attending were family members and parents, youth involved with the services system, private agencies and service providers, and local agency service providers from all sectors — mental health/substance abuse, social service/child welfare, juvenile justice, education and health.

The conference received \$40,750 from private sector exhibitors and sponsors. The First Lady's Family Scholarship fund provided scholarships such that 41 family members could attend the conference. Private sector partners and sponsors included:

- Family Systems, II
 - Intercept Youth Services, Inc.
 - Jackson-Feild Homes
 - FACES
 - National Counseling Group, Inc.
 - Community Solutions
 - Camelot for Kids
 - KidLink Referral Network
 - Stepping Stone Family Services, Inc.
 - Centra Health
 - Dominion Youth Services
 - First Home Care
 - Institute for Family Centered Services
 - The Pines Residential Treatment Center
 - Graydon Manor
 - The Barry Robinson Center
 - Timber Ridge
 - United Methodist Family Services
 - Youth Villages
 - Hillcrest Educational Center
 - Project HOPE – Virginia
- Southwest Virginia Area Health Education Center

In addition, the Conference held a special workshop for local government officials on “How to Effectively Serve Youth with Mental Health Disorders in Your Home Community.” Representatives from 15 localities attended this session to learn about the success in serving children with mental health disorders in Hampton.

Legislative Initiative

Establishment of an Office of a Children's Ombudsman

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The two-year study conducted by the Commission relates directly to a 2006 General Assembly legislative initiative, Senate Bill 208, which proposed to create an Office of Children's Services Ombudsman within the legislative branch of state government. On January 10, 2006, SB 208 was referred to the Senate Committee on General Laws and Technology. On January 25, the Committee reviewed the bill and heard testimonies. Committee members expressed concerns about the bill, particularly with the administration of child protection and child welfare laws. Committee members unanimously agreed that it would be appropriate to have the Commission on Youth study the impact of this bill. Subsequently, the Committee sent a letter requesting the Commission to study the establishment of a children's services ombudsman office in Virginia.

At its May 17, 2006 meeting, the Commission on Youth approved the study of the Establishment of an Office of Children's Services Ombudsman. The Commission directed staff to study the impact of SB 208 in three areas:

- Evaluate the need for the establishment of an Office of Children's Services Ombudsman;
- Identify the appropriate administrative structure of an Office of Children's Services Ombudsman; and
- Determine the cost to establish an Office of Children's Services Ombudsman.

Over the subsequent months, the Commission undertook various activities to evaluate the need for the establishment of an Office of Children's Ombudsman. Activities included holding three public hearings throughout the Commonwealth and multiple advisory group meetings, conducting key informant interviews, conducting extensive research on existing legislative, judicial and executive studies, and analysis of current children services compliant systems in Virginia and viable children's ombudsman services in other states.

At the November 28, 2006 Commission meeting, staff presented initial findings and recommendations to the Commission. The Commission unanimously approved the following recommendation to continue to study the Establishment of an Office of Children's Ombudsman. Findings and recommendations from this study shall be presented to the Commission on Youth prior to the 2008 General Assembly Session.

In January 2007, the Commission submitted an interim study report. This report, published as *Report Document 81*, further detailed the Commission's activities, initial findings and research, to include background and essential characteristics of a children's services ombudsman, various types of ombudsman services, need assessments and current structures.

During the 2007 study year, the Commission undertook various activities to identify the appropriate administrative structure of an Office of Children's Ombudsman and determine the cost of such an office.

At its December 5, 2007 meeting, the Commission approved the following recommendations:

Recommendation 1

Introduce legislation during the 2008 General Assembly Session to create an Office of the Children's Ombudsman (Office) as a separate and independent state agency.

Recommendation 2

Introduce an enactment clause of the legislation creating the Office of the Children's Ombudsman to 1) direct the Office of the Governor to conduct a needs assessment of resources and to work with General Services to provide for the Ombudsman's office space needs and 2) clarify that the Office of the Children's Ombudsman is an independent agency and technical support of the establishment of the Office shall not give such an entity any authority over the operation or function of the Office of the Children's Ombudsman.

Recommendation 3

The Office of the Children's Ombudsman should provide ombudsman services for children served by the following departments:

- During the first year of operation: Departments of Social Services and Juvenile Justice.
- During the second year of operation: Departments of Social Services, Juvenile Justice, Mental Health, Mental Retardation and Substance Abuse Services, Education, and Correctional Education.
- During the third year of operation: Departments of Social Services, Juvenile Justice, Health, Mental Health, Mental Retardation and Substance Abuse Services, Education, Office of Comprehensive Services for At Risk Youth and Families, and Correctional Education, as well as any entities, program or services that the departments may license, fund or operate.

Recommendation 4

Mission of Office - Investigation

The Office of the Children's Ombudsman shall be authorized to investigate complaints regarding actions of child-serving agencies. The Office of the Children's Ombudsman shall conduct investigations for the purposes of resolving and mediating complaints from

children, parents, and citizens concerning harmful actions or inactions of any child-serving agency. After initial investigation, the Ombudsman may decline to accept any complaint it determines is frivolous or not made in good faith. The Office of the Children's Ombudsman shall attempt to resolve the complaint at the lowest appropriate level, unless otherwise provided by law. The Ombudsman shall develop written procedures and guidelines for the handling of complaints, which shall be made available on its website.

Recommendation 5

Mission of Office –Systemic Improvements & Recommendations

The Office of the Children's Ombudsman shall promote continuous quality improvement in the administration of children's services. If the Ombudsman identifies systemic problems that may hinder child-serving agencies from achieving comprehensive, positive outcomes for children, then they shall recommend policy, regulatory and legislative changes toward the goal of safeguarding the well-being of children to the appropriate child-serving agencies. These recommendations shall be included in their annual report to the Governor, General Assembly, and Virginia Commission on Youth.

Recommendation 6

Mission of Office - Standards

The Office of the Children's Ombudsman shall promote higher standards of competency, efficiency and justice in the administration of children's services with considerations given to best-practices for serving children within the state system.

Recommendation 7

Mission of Office – Information and Referral

The Office of the Children's Ombudsman shall serve as a resource for information, referral, and guidance for children, parents, caregivers, providers, and citizens of the Commonwealth.

Recommendation 8

Operational – Management of Office

The Children's Ombudsman shall be authorized to operate and manage the Office of Children's Ombudsman and to employ the personnel required to carry out duties and responsibilities of the Office. In addition, the Children's Ombudsman shall be authorized to make and enter into contracts and agreements that may be necessary and incidental to carry out the duties and responsibilities of the Office, and to apply for and accept grants from the United States government, agencies and instrumentalities thereof, and any other source, in furtherance of the provisions of this article.

Recommendation 9

Operational – Appointment of the Children's Ombudsman

The Children's Ombudsman shall be appointed by the Governor, initially for a term that expires one full year following the end of the Governor's term of office, and, thereafter,

the term shall be for four years and the Ombudsman may be reappointed for children, parents, and citizens concerning harmful actions or inactions of any child-serving agency. After initial investigation, the Ombudsman may decline to accept any subsequent terms. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. The Governor may remove the Children's Ombudsman from office for just cause.

Recommendation 10

Rights and Powers of the Children's Ombudsman

The Office of the Children's Ombudsman shall have the following rights and powers:

1. In response to a complaint, to enter and inspect any and all institutions, facilities, and residences, public and private, where a child has been placed by a court or a child-serving agency and is currently residing. These inspections may be conducted unannounced.
2. To make such inquiries and obtain such assistance from any child-serving agency as the Ombudsman requires in the discharge of the Ombudsman's duties. Agencies shall not restrict the Ombudsman's access to agency personnel. Notwithstanding any other provision of state law, the Ombudsman has access to and can examine and copy, without payment of a fee, any child-serving agency records, including records which are confidential by state law. The Ombudsman shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.

Recommendation 11

Operational – Reports

The Office of the Children's Ombudsman shall have the duty to keep the Governor, General Assembly, the Virginia Commission on Youth and the public fully and currently informed concerning significant problems, abuses, and deficiencies relating to the administration of the specified programs and child services; to recommend corrective actions concerning the problems, abuses, and deficiencies of such programs and services; and to report on the progress made in implementing the corrective actions.

Recommendation 12

Reports – Annual Report

The Children's Ombudsman shall provide periodic reports on the work of the Office of the Children's Ombudsman, including but not limited to an annual written report to the Governor, General Assembly, and the Virginia Commission on Youth. The annual report shall be prepared not later than November 30 of each year and shall summarize the activities of the Office to the Governor, General Assembly and the Virginia Commission on Youth. The report shall include:

1. Information concerning the numbers of complaints received and types of investigations completed by the Office during the reporting period and recommendations made to child-serving agencies;
2. Information concerning child-serving agency responses to complaints brought to their attention by the Ombudsman and any barriers to compliance with the Ombudsman's recommendations;

3. A summary of matters referred to the attorneys for the Commonwealth, law enforcement, and agency heads, and actions taken on them during the reporting period;
4. Recommendations for improvements or needed changes concerning the provision of services to children by the child-serving agencies of the state;
5. Recommendations for systemic improvements in the provision of services to children, including and legislative changes necessary to promote positive changes in policy and procedure.

Recommendation 13

Operational - Notification

The Office of the Children's Ombudsman shall notify in a timely manner the attorney for the Commonwealth for the locality in which a state facility, shelter care facility or detention home, as defined in §16.1-228, or residential public charter school is located and law enforcement, as appropriate, whenever the Children's Ombudsman has reasonable grounds to believe there has been a violation of state criminal law. However, where the Children's Ombudsman has reason to believe that a criminal offense has been committed in a state facility, notification of that suspicion shall be given to the agency head of that department.

Recommendation 14

Reports – Notification of Serious Problems

The Children's Ombudsman shall report immediately to the Governor and the Commissioners of the Department of Social Services, and Mental Health, Mental Retardation and Substance Abuse Services, the Director of Juvenile Justice, Health, and the Comprehensive Services for At Risk Youth and Families, or the Superintendent of the Department of Education, and Department of Correctional Education, as may be appropriate, whenever the Office becomes aware of serious problems, abuses, or deficiencies relating to the administration of the programs and services of state facilities and of providers.

Recommendation 15

Reports – Direct Reporting

The reports, information, or documents required by or under this section shall be transmitted directly to the Governor, the General Assembly, and the Virginia Commission on Youth without preliminary clearances or approvals. The Children's Ombudsman shall, insofar as feasible, provide copies of the annual report to the Governor in advance of the date for their submission to allow a reasonable opportunity for comments of the Governor to be appended to the reports.

Recommendation 16

Reports – Confidential Records

Records that are confidential under federal or state law shall be maintained by the Office of the Children's Ombudsman as confidential by the Ombudsman and shall not be further disclosed, except as permitted by law.

Recommendation 17

Cooperation of Other State Agencies

The Office of the Children's Ombudsman may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.

Recommendation 18

Cooperative Agreements with State Agencies Regarding Advocacy Services for Their Clients

Notwithstanding the foregoing, state agencies providing services to children may develop and maintain advocacy, client assistance, or ombudsman services for their clients, which services may be within the agency and independent of the Office of Children's Ombudsman. The Office may enter into cooperative agreements with any state agency providing advocacy, client assistance, or ombudsman services for the agency's clients, in order to ensure the protection of and advocacy for children, provided that such agreements do not restrict such authority as the Office may otherwise have to pursue any legal or administrative remedy on behalf of children.

Recommendation 19

Budget - Operating

Introduce a budget amendment providing the monies necessary for the Office of the Children's Ombudsman to carry out its duties and responsibilities. In addition, the budget amendment shall include funding for marketing the services of the agency. This budget amendment will set forth the operating budget for the Office of the Children's Ombudsman, as well as the number of full time equivalents (FTEs).

Legislative Initiative
Alternative Education Options

Study Author
Virginia Commission on Youth

Enabling Authority
§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The two-year study originated with the Commission on Youth's May 17, 2006 meeting and the approval of the study of Alternative Education Options. The Commission directed staff to study this issue and to present findings and recommendations to the Commission on Youth prior to the 2007 General Assembly Session. The study plan directed staff to conduct a review of alternative education programs for suspended and expelled youth. Additionally, the Commission was to explore data available at the Department of Education to determine whether a problem exists regarding the number of school suspensions and expulsions within Virginia public schools.

During the 2006 study year, the Virginia Commission on Youth researched the availability of alternative education programs for expelled and suspended students who could not be served in traditional public school settings. This investigation also addressed the various challenges facing school divisions in providing educational services to these students.

The Commission established an Alternative Education Advisory Group consisting of representatives from the Virginia Department of Education, the School Board Association, the Alternative Education Association, and local school divisions. The Advisory Group has provided assistance to the study throughout its two years.

In 2006, the Commission surveyed all 132 school divisions to gather information on Virginia's alternative education options. Responses provided information on:

- Virginia's 29 regional alternative education programs; and
- School divisions' practices for offering alternative educational services to suspended or expelled youth.

A draft document, *Guide to Local Alternative Education Options for Suspended and Expelled Students in the Commonwealth*, has been compiled by Commission staff using survey data provided by local school divisions and has been submitted to the Commission on Youth for review. The document will be published in Spring 2008.

At its December 5, 2007 meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

The Virginia Commission on Youth shall finalize its report on *Local Alternative Education Options for Suspended and Expelled Youth* and request the Virginia Association of School Superintendents to assist in disseminating it to all interested organizations via the Internet or any other cost-effective dissemination method they choose.

Recommendation 2

The Virginia Commission on Youth shall contact all child-serving agencies and inform them of the availability of the report on *Local Alternative Education Options for Suspended and Expelled Youth*. The Commission will also request the Secretariats of Health and Human Resources, Public Safety, and Education, as well as all affected agencies delivering services to children, to link this report on their websites.

Recommendation 3

The Virginia Department of Education, in cooperation with the Virginia Alternative Education Association and the Virginia Association of Independent Education Specialized Education Facilities, will continue to collect data on locally administered alternative education programs. Data collected will include the number of students served, service needs, funding, components of the programs, and any other information that evaluates both the performance of the programs and the students served by the program. This information will be submitted biennially to the General Assembly.

Recommendation 4

Request the Virginia Department of Education to establish guidelines for statewide implementation of Student Assistance Programs (SAPs). The guidelines for SAPs will be shared with school divisions to ensure consistent and uniform application and implementation of SAP, based on best practices.

Recommendation 5

Request a budget amendment for the Virginia Department of Education to construct a database to capture data on utilization of Student Assistance Programs (SAPs) in Virginia. Such a database will allow for ongoing assessment of the efficacy of SAP and for the development of a framework to guide future evaluations.

Recommendation 6

Request the Virginia Department of Education and the Virginia Department of Education's Training and Technical Assistance Center to continue to include information on effective schoolwide discipline programs to all school divisions. Information will be offered to school divisions to educate them on the effectiveness of this program model.

Recommendation 7

Request the Virginia Department of Education and the Virginia Department of Education's Training and Technical Assistance Center to continue to provide information on all evidence-based school-based programs to all school divisions.

Recommendation 8

Request the Virginia Alternative Education Association to research alternative education definitions established by the National Education Association. Request the Virginia Alternative Education Association to report its progress and any suggested language to the Virginia Department of Education and the Virginia Commission on Youth prior to the 2009 Session of the General Assembly.

Recommendation 9

Request the Virginia Commission on Youth to continue its Advisory Group on Alternative Education Options and to invite representatives from all child-serving agencies. The Advisory Group will monitor recommendations adopted by the Commission and will work to evaluate gaps in service in alternative education placements, as well as the reasons that students are not offered educational services. A report on the findings from the Advisory Group will be made to the Virginia Commission on Youth prior to the 2009 General Assembly Session.

Legislative Initiative

Biennial Update of the Collection of Evidence-based Treatment Modalities for Children and Adolescents with Mental Health Treatment Needs

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The 2002 General Assembly, through Senate Joint Resolution 99, directed the Virginia Commission on Youth to coordinate the collection of empirically-based information on treatments recognized as effective for children, including juvenile offenders, with mental health treatment needs. The resulting publication entitled *Collection of Evidence-based Treatments for Children and Adolescents with Mental Health Treatment Needs* was compiled by the Commission on Youth with the assistance of an advisory group of experts pursuant to the resolution. The *Collection* was published in *House Document 9* and presented to the Governor and the 2003 General Assembly.

The 2003 General Assembly passed Senate Joint Resolution 358, which required the Commission to update the *Collection* biennially. The Commission on Youth designed this initiative to be assisted by an advisory group, which was to provide overall guidance, including direction and philosophy for the update of the *Collection*. The *Collection 2nd Edition* was published in *Senate Document 10* and presented to the Governor and the 2005 General Assembly.

Senate Joint Resolution 358 also mandated that the Commission disseminate the *Collection* via web technologies. As specified in the resolution, the Commission received assistance in disseminating the *Collection* from the Advisory Group, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety.

In January 2008, the Commission on Youth published the 3rd Edition of the updated *Collection*. This third biennial update summarizes current research on mental health treatments that have been proven to be effective in treating children and adolescents and provides an updated listing of evidence-based treatments. Participating in the updating process was an Advisory Group of experts from the private and public sectors. The *Collection 3rd Edition* may be accessed on the Reports Section on the Commission on Youth's website - <http://coy.state.va.us>.